

**Planning Commission  
Work Session  
February 9, 2021  
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The meeting was called to order by Planning Chairwoman Ms. Gautreaux and read the paragraph stating that pursuant to Executive Proclamation 6JBE2021, this shall serve as certification that in light of the spread of COVID-19 the Mandeville Planning and Zoning Commission will be meeting via videoconference on Tuesday, February 9, 2021 at 6:00 p.m. in compliance with LA.R.S. 42:17.1. The matters included on this agenda are critical to the continuation of the business of the Commission and should not be delayed and therefore, meet the requirements of LA.R.S. 42:17.1(A)(2).

The secretary called the roll.

Commissioners Present: Nixon Adams, Ren Clark, Brian Rhinehart, Jeffrey Lahasky, Karen Gautreaux, Mike Pierce. Simmie Fairley (Joined at 6:20pm due to logon technical problems).

Absent: None

Also Present: Louissette Scott, Director, Planning Department; Cara Bartholomew, Planner; Elizabeth Sconzert, City Attorney; and Council Members: Jill McGuire, and Dr. Skelly Kreller

New Business: None

Ms. Gautreaux asked if there were any comments on the minutes. None were made. Mr. Rhinehart motioned to adopt the minutes of January 26, 2021, seconded by Mr. Lahasky and was unanimously approved.



Alex Weiner, Secretary



Karen Gautreaux, Chairwoman  
Planning Commission

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**Mr. Adams commenced the Zoning Commission Work Session via Zoom Platform.**

Mr. Adams made a motion to move forward with the discussion on the agenda stating that the items are critical and time sensitive, Mr. Lahasky seconded, and the secretary called the roll. All present were in favor. Note: Mr. Fairley was not signed in at the time of roll.

Mr. Adams announced that for any additional information from applicants determined to be needed by the Commission shall be required to be submitted to the Planning Department by the end of business Friday, February 12<sup>th</sup>.

**New Business:**

Ms. Scott presented the first case, V21-02-05 Mark and Windy Muller request for a variance to CLURO Sec. 7.5.1.3 R-1 Single-Family Residential District – Site Development Regulations, Sq. 12, Lot 4B, 1909 Jefferson St. *Set back encroachments for construction of new residential dwelling on non-conforming lot of record.*

The property owners are proposing to construct a new residential dwelling on a portion of Lot 4, Sq 12. The property is zoned R-1, Single-Family Residential. It is located on the north side of Jefferson St between Girod St. and Marigny Ave. in Square 12. The lot has a frontage on Jefferson St. of 70.3' and a depth of 68.7' and contains 4,740 square feet. The lot is currently improved with a duplex and has not been occupied since post Katrina, 2005. The lot is a legally non-conforming lot of record in accordance with CLURO Sec. 4.2.4.5:

***4.2.4.5. Provisions for Legally Non-Conforming Lots-of-Record***

*If lot dimensions do not meet minimum standards and the lot has been in separate ownership from adjacent property continuously since passage of this CLURO, such lot may be used as a building site for a permitted use in conformance with the requirements of district in which the site is located.*

The applicant is proposing to demolish the existing duplex, a non-conforming use. The existing structure is slab on grade and does not meet the minimum Base Flood Elevation (BFE). The existing structure is setback approximately 14' from the front property line, 5' from the west property line, 13' from the east property line and 21' from the rear property line. The existing footprint is approximately 34'x51' (1,734 sq ft.).

The property owners are proposing a 1,750 sq ft single-family residence. Due to the lot size the applicants are requesting variances to the R-1 single-family site development regulations. The buildable footprint within regulations allows for a 13'x46' area (598 sq ft).

The requests are in accordance with plans submitted by KVS Architecture (Sheet A1.0, A1.1, A2.0, A2.1, A2.2) dated 12.18.2020. The applicants are requesting a variance to the front yard setback of 15' from the required 25' to the front setback, a 3.5' variance from the required 8.5' setback and a 13' variance from the required 30' rear setback. The R-1 District requires a maximum impervious site coverage of 45% (2,133 sq ft). The applicant is requesting an impervious site coverage of 53%.

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Site Dev. Regs	Required	Proposed	Deficiency	Variance Requested
<b>Front Setback</b>	25'	10'	15'	15'
<b>Side Setback</b>	12'			
<b>30% Flex allowed by right</b>	8.5' / 15.5	5' / 19'	3.5' / +3.5'	3.5' / 0
<b>Rear</b>	30'	13'	17'	17'
<b>Max. Impervious Site Coverage</b>	45% (2133 sq ft)	53% (2520)	8% (387 sq ft)	8%
<b>Min. Pervious Coverage</b>	55% (2627 sq ft)	47% (2240 sq ft)		

Discussion:

Mr. Rhinehart asked to confirm that this property has been abandoned and has been in this state since Katrina and has it been newly acquired where someone new purchased the property. Ms. Scott confirmed that it has.

Ms. Bartholomew confirmed the current owners purchased it as recently as this year.

Mr. Adams asked if they rebuilt it as a single-family home on the existing blueprint could they still do a duplex on that? Ms. Scott said no they would lose their legally non-conforming use status and that a duplex would no longer be able to be re-established. Mr. Adams asked how close the property is to the house to the west of the property. Ms. Scott said it is 12-15' in proximity and looks like closer to 20' in the back, 15'20' from front to back.

Ms. Scott stated Vaughn Sollberger, the architect was on the call.

Mr. Pierce asked if there is a hardship associated with this.

Ms. Scott referenced the footprint area of 598 sq. ft. It is a 13'x46' area and read CLURO Section 4.3.4.5: Variance Procedures, Authority, The Non-Conforming Development Site Variances, Background, The Purpose, and Practical Difficulties:

**(At this point Ms. Scott noted that Commissioner Mr. Fairley joined the call).**

***CLURO Section 4.3.4.5 Variance Procedures***

1. **Authority** - The Zoning Commission may authorize a variance upon appeal of a decision of an official administering the provisions of this Ordinance when a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction, or alteration of buildings or structures, or the use of land will impose upon him unusual and practical difficulties or particular hardship; but only when the Commission is satisfied that granting such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a deviation from provisions established by this Ordinance and at the same time the surrounding property will be properly protected.

6. ***Non-Conforming Development Site Variances***

a. **Background** - The non-conforming provisions of section 4.2 of these regulations establishes specific conditions under which non-conforming development sites must be upgraded to meet the standards established by this Code. Practical difficulties may exist

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which prevent the upgrading of certain non-conforming development sites to standards imposed by this Code.

- b. **Purpose** – This variance procedure has been established in order to provide a viable economic use of existing structures and to insure that non-conforming development sites are upgraded to the extent deemed possible by the Zoning Commission. Provision of adequate parking and access shall take precedent over other applicable sections of these regulations in evaluating applications for non-conforming development site variances.
- e. **Practical Difficulties** – For non-conforming development sites, practical difficulties shall be limited to those situations:
1. In which existing buildings would have to be relocated in order to meet the setbacks or landscaping requirements or other requirements prescribed by this Ordinance, or
  2. In which inadequate parking or maneuvering areas would be created or rendered less in conformance if the landscaping prescribed by this Ordinance were implemented, or
  3. In which other site conditions that would make conformance impossible. The cost incurred to remove concrete or other impervious surfaces to conform to the provisions of this Ordinance shall not constitute practical difficulties.

Ms. Scott said the size of this lot would consider it a hardship.

Mr. Pierce said it is basically a half lot. We are going to have a difficult time building the minimum size house on so that is considered a hardship in this case.

Vaughn Sollberger, the architect, said it is a very small lot and he tried to keep the size of the building reasonably similar to the one that is there and make a modern house instead of a duplex and not have cars park in front of the building and will contribute to the neighborhood.

Mr. Lahasky asked if there are 2 stories of living space.

Vaughn Sollberger responded there are 2 bedrooms upstairs. The master suite is on the 1<sup>st</sup> floor. There is a living room, dining room, and kitchen, also on the 1<sup>st</sup> floor.

Public comments: None

Ms. Scott presented the second case V21-02-06 Lisa Schwartzberg request for a variance to CLURO Sec. 8.1.1.4 (4) Allowed Setback Encroachments, Mechanical Equipment, City of Mandeville, Sq. 9, Lot 11A, 250 Marigny Ave., R-1 Single-Family Residential District. *Placement of generator on street-side yard.*

The property is located on the south west corner of Marigny Ave. and Jefferson St, zoned R-1 Single-Family Residential District. The lot is a non-conforming lot of record, measuring 63.95'x 87.5'. The property was previously granted variances for setbacks in 2014 (V14-01-10), to allow for the construction of a single-family dwelling. The existing residence is compliant with the variances granted.

The existing house is located 16' from the front property line, 10' from the Jefferson street side, 25' from the interior side and 16' from the rear property line. The applicant is requesting to place a generator within the street side setback. The existing mechanical equipment is located on the opposite side of the house and is compliant with setbacks. The required street side setback is 15', the residence is located 10' from the property line and

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the request is to place the generator 6' from the property line. Due to required specifications, the applicants cannot place the generator in the rear, or within the interior side setback adjacent to the existing mechanical equipment.

	Required	Proposed	Deficient
Jefferson St. Setback - Generator	15'	6'	9'
Jefferson St. House - Existing	15'	10'	5'

The property is in flood zone AE EL10, the generator must be elevated to a minimum 12' MSL to be complaint with the City's 2' freeboard requirement.

Applicant submitted the following:

*Due to the generator 5' setback rules from any window or door opening and limited rear yard and side yard discrepancies my customer/contractors are asking permission to encroach on the side street setback. Looking for permission to encroach approximately 4' into the 10' setback of the property line. This places the generator 18" off hardi plank veneer and 6'0" from property line.*

**CLURO Section 8.1.1.4. Allowed Setbacks Encroachments**

Every part of a required setback shall be open to the sky and unobstructed by accessory structures except:

- 4. Mechanical Equipment.** Except as authorized for the elevation of existing structures, or where there is existing mechanical equipment located within the side setback, heating, ventilation, air conditioning, generator, or pool equipment shall not encroach into any required front or side setback.

Ms. Scott presented V21-02-07 Dennis Pasentine request for an exception to CLURO Sec. 8.1.5 (3) Supplemental Regulation of Accessory Buildings and Structures, City of Mandeville Sqs. 131,132,167,168, a portion of Sq. 173 and portions of Dupre St., Orleans St., & Caroline St., 1100 Rapatel St., R-1 Single-Family Residential. *Exception to the max height to build a storage building.*

The applicant owns 31.48 acres located North of Florida St and on the east side of Rapatel St. The applicant's property consists of 5 squares and portions of three (3) revoked right of ways. The property is zoned R-1 single-family. There is an existing single-family residence on the property. The applicant is requesting to build a storage building. The proposed building is 80'x40' (3,200 sq ft.) and is proposed to be setback 37' from the rear property line, 116' from the north side property line, 400+ feet from the front property line and over 1,000' from the southern property line.

The applicant is requesting an exception to the maximum height of 14' by formula. The proposed structure is 22' at the highest ridge and 18' at the eave. The height formula is 22' (Highest Ridge) + 18' (eave) / 2 = 20' height). The applicant is requesting an exception of 6' from the maximum height requirement.

	Required	Proposed	Deficiency
Height	14'	20'	6'

The applicant submitted the following:

*This property is 30+ acres. The building was submitted with an 18' eave height. Building will be used for storage and is not located in the middle of a small lot.*

**8.1.5. Supplemental Regulation of Accessory Buildings and Structures**

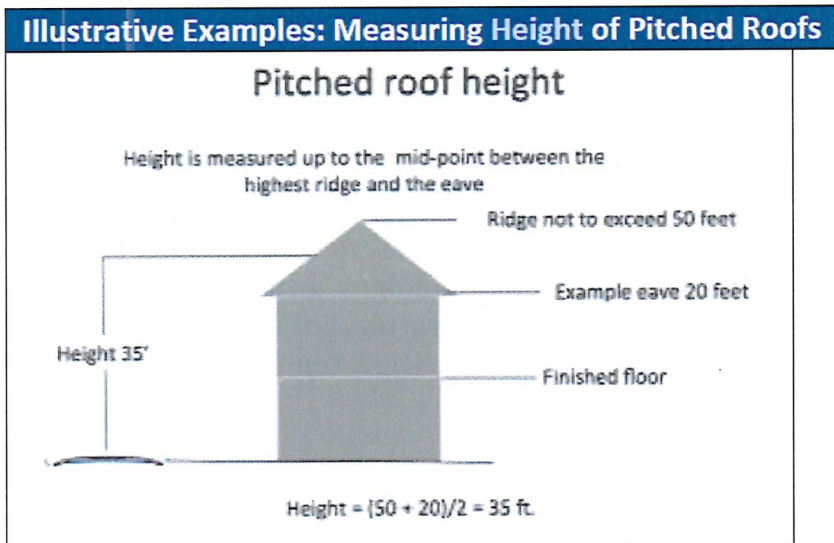
For purposes of these regulations accessory buildings include but are not necessarily limited to accessory storage buildings, pool cabanas, detached covered porches or decks, playhouses, private studios or craft buildings, and greenhouses and shall be regulated as follows:

3. Detached accessory buildings not exceeding one (1) story nor fourteen (14) feet in height may be built in required rear yards; provided, however, such accessory buildings shall not be located less than three (3) feet from either side or rear lot lines.

**8.1.1.6. Maximum Height Established**

Subject to the provisions of this section, buildings and structures shall not exceed the maximum heights established in the applicable zoning district regulations. The height of a building is the vertical distance measured from the highest point of the street in front of the building or structure to:

1. For Pitched Roofs: The midpoint between the highest ridge and the lowest eave in the same roof plane as the highest ridge. For purposes of this provision, if one or more stories are located between the highest ridge and the lowest eave, height shall be measured at midpoint between the top plate of the highest finished floor, or ceiling if there is no top plate, and the highest ridge.



Ms. Scott presented SUP21-02-02 Layton Fernandez request for a Special Use Permit for CLURO Section 6.4.67 Restaurant - Sit down Restaurant with Lounge, & CLURO Sec. 6.4.73 Tavern – Bar or Lounge, City of Mandeville, Sq. 47, Lot 47-C-1A, 2032 Woodrow St. TC

The applicant is requesting to build a mixed-use development at 2032 Woodrow, within the TC – Town Center District. The property is located within Square 47, Lot 47-C-1A. The Lot measures 64.81'x105.79' (6,856 sq. ft.). The proposed development includes three (3) dwelling units on the upper floor and on the ground floor, one (1) sit down restaurants with lounge and (1) Tavern.

The proposed tavern compromises 867 sq ft of the first floor and the restaurant – Sit down Lounge is 1,386 sq ft of the first floor (2,253 sq ft total).

The proposed Restaurant and Tavern requires approval of a Special Use Permit in the TC Town Center Zoning District.

**Section 6.4.67. Restaurants - Sit-Down with Lounge** - A sit-down restaurant establishment utilizing up to 25% of area accessible to patrons as a lounge for the serving and consumption of alcoholic beverages.

**7.5.18.1. Purpose of the Town Center District**

1. The purpose of the Town Center District (TC) is to develop an identifiable center of the City of Mandeville with the Trailhead as its nucleus. Its intent is to further define a sense of community and to promote and develop the culture, history, and environment of Mandeville for the betterment of the City. This fully realized Town Center will incorporate a planned and architecturally enhanced area, including, but not limited to, building orientation, scale, and human relationship, streetscape, vehicular and pedestrian movement, services and utilities, and uses necessary to develop the overall fabric of a Town Center.

Additionally, the site development criteria, as stated under CLURO Section 7.5.18.3, provides for review of the B-3 regulations, Town Center and Visual Performance Standards and where a conflict exists between these, the TC and Visual Performance Standards shall supersede the B-3 regulations and standards. This allows for more flexibility for site planning, with a focus on the architectural enhancements as stated in the Purpose of the TC.

The applicant submitted the plans with the application, A site plan (A1.0), floor plans (A2.0, A2.1 & A2.2) and building renderings have been submitted by KVS Architecture dated December 18, 2020, rev. 2.5.21, that indicate the following:

**Site Development Criteria:**

The building façade is setback 10' from the property line, which is consistent with the Visual Performance Standards. The building includes a canopy over the sidewalk which is consistent with the desired architectural elements. The east side of the building sits at the property line and the west side is setback back 4', to allow for the utility servitude. The setbacks proposed are all consistent with the Visual Performance Standards.

The proposed plan indicates there are 3 residential dwelling unit on the upper floor and 2,260 sf of commercial use on the ground floor.

Residential Parking:

The applicant is proposing 3 residential units, 2 spaces for each unit for a total of 6 spaces, all proposed on-site located in the rear of the structure – compliant with the TC District requirements.

Commercial Parking:

The TC District states that Parking shall be in accordance with CLURO Section 6.4.70.1, Shopping Center, Neighborhood Commercial: 4 parking spaces per 1,000 sf. Additionally, the on-street parking spaces immediately adjacent to the site can also be counted towards the minimum requirement.

The site plan indicates the first-floor commercial space is a total of 2,253 sq ft, requiring nine (9) total spaces. There are five (5) on-street parking spaces existing immediately adjacent to the front of the property, leaving a deficiency of four (4) parking spaces.

The TC District includes the following language in regard to parking reduction or waiver for the TC District for non-residential uses:

**b. Parking Reductions by Exception.** In the TC District, parking requirements for non-residential uses may be reduced or waived by the Zoning Commission in conjunction with a Special Use Permit application and based on the findings of the Zoning Commission that the reduction or waiver does not adversely affect surrounding commercial or residential uses and:

(1) Existing public parking within the area is sufficient to accommodate the proposed use.

The applicant is requesting a waiver of the on-site required parking in conjunction with the Special Use Permit request. The request is for a reduction in parking for four (4) spaces. The applicant indicated there are approximately 244 public parking spaces within the Town Center.

Density:


**CLURO Section 7.5.18.3** states for attached residential and mixed-use development, there shall be a minimum of two thousand (2,000) square feet of gross lot area per dwelling unit.


The site plan indicates the total area of the lot is 6,856 sf. 2,000 sf of gross lot area per unit allows for 3.4 dwelling units. The applicant is proposing 3 dwelling units, compliant with allowed density.

In summary, the applicant is requesting the following:  
Special Use Permit to allow for:

1. Tavern comprising of 867 sq ft of the first floor.
2. Restaurant – Sit down Lounge consisting of 1,386 sq ft of the first floor (2,253 sq ft total).
3. Reduction/waiver of four (4) parking spaces for the commercial uses.

Mr. Lahasky motioned to adjourn the meeting at 7:18p.m., seconded by Mr. Rhinehart and was unanimously approved.

  
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Alex Weiner, Secretary

  
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Nixon Adams, Chairman  
Zoning Commission